IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CAl NO.1030 OF 2000
IN
CAL NO.376 OF 2000
IN
COMPANY PETITION NO.466 OF 1995

Skypack Couriers Pvt. Ltd. ...Petitioner
V/s
M/s. Rossel Finance Ltd.
& Anr. ...Respondents.
And
Allahabad Bank Ltd. ...Applicants.

Mrs. U. Srivastava i/b Consulta Juris for the
applicants in support.

Mrs. K.V. Gautam, Dy. Official Liquidator, present.

CORAM: V.M.KANADE,J.

DATE: 27th August, 2004.

PC:.

1. Heard the learned Counsel appearing on behalf of the applicant.

2. This application is filed by Allahabad Bank Ltd. seeking an order in terms of prayer clause (a) and amended prayer clause (b). By virtue of prayer clause (a) applicant - bank seeks modification of the order passed by Mrs. Justice K.K. Baam (as she then was) dated 17/11/2000 in Company Application No.376 of 2000 directing the Official Liquidator not to hand over the possession of the immovable property to M/s Trishakti Electronics & Industries Ltd. Prayer clause (b) which was subsequently amended as prayer clause (ai) reads

as under:-

> "(ai) that the Official Liquidator be directed to restore the possession of the immovable property i.e. Sterling Centre, Dr. Annie Beasant Road, Worli, Mumbai 400 018, prior to the passing of the order dated 17.11.2000 by Her Ladyship Justice Smt. K.K. Baam in Company Petition No.376 of 2000."

Applicant is the original plaintiff in Suit No.2154 of 1998 which was filed against the respondents - M/s. Rossel Finance Ltd and Anr. In the said suit, in Notice of Motion No.2353 of 1998, by an order dated 30/12/1998, interim relief in terms of prayer clause (a) was granted. Prayer clause (a) is reproduced in para 6 of the affidavit in support. Thereafter, by an order dated 10/09/2002 Mrs. Justice K.K. Baam (as she then was) passed an ad-interim order in terms of prayer clauses (c) and (f). In the meantime, similar order has been passed by the Debt Recovery Tribunal at Chennai which is annexed at Exhibit-C to the Company Application. Though this application was filed in 2000, no reply

has been filed by the Official Liquidator. Request is made to grant further time as a last chance. However, request for adjournment is refused. Considering the fact that this Court, from time to time, had passed orders as also similar order is passed by the DRT at Chennai, the property in question ought to be restored in favour of the applicant. Company Application is, therefore, allowed in terms of prayer clauses (a) and (ai). Order dated 17/11/2000 passed by Mrs. Justice K.K. Baam (as she then was) is modified accordingly directing the Official Liquidator not to hand over the possession of the immovable property situated at Sterling Centre, Dr. Annie Beasant Road, Worli, Mumbai 400 018 to any other party without leave of this Court.

3. Company Application is allowed and disposed of accordingly.

4. All concerned to act on the copy of this order duly authenticated by the Company Registrar of this Court.

V.M. KANADE, J.